IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ADMIRALTY & VICE ADMIRALTY JURISDICTION

ADM SUIT NO. 4 OF 1990

Union of India & Anr. .. Plaintiffs

vs.

Nirvan Shipping Ltd.,

& Ors. .. Defendants.

Mr. S. Purohit i/by M/s. Amarchand & Mangaldas

& Suresh A Shroff & Co. for Plaintiffs.

Mr. Bhanpuri for defendants 3 (a) to (c) & 4.

Mr. P.G. Rao, Dy. Official Liquidator present.

CORAM : S.U.KAMDAR, J.

DATE : 16th June, 2005.

P.C.

. The plaintiffs and the defendant nos. 3 (a), (b), (c), (d) and 4 have filed the present consent terms dated 16.6.2005. The same are taken on record and marked "X" for identification. The learned advocate appearing for the plaintiffs states that in so far as the charges of the Port Trust are concerned, they are already paid by the official Liquidator. The defendant no. 1 is in liquidation and official liquidator who is appointed by this Court is present in Court. The representative of

the Official Liquidator makes a statement that out of the sale proceeds of the vessel the various parties who have filed their claims have already been paid off and there is a balance outstanding amount of Rs. 1,02,666/-. The learned advocate for the plaintiffs has drawn my attention to the order dated 30.3.1993 passed by the Division Bench in Appeal No. 543 of 1991 which pertains to the appeal preferred by defendant no. 6. Under the said order also it was directed that the amount lying with the Prothonotary & Senior Master be paid over to the various crew members and the balance to be paid over to the plaintiffs in the present suit. In view of the aforesaid position, I pass the following order.

2. There shall be a decree in terms of the consent terms dated 16.6.2005 entered into by and between the plaintiffs and defendant nos. 3 (a), (b), (c), (d) and 4. The office of the Prothonotary and Senior Master, High Court, Bombay, is directed to pay over the amount lying to the credit of this suit along with the accrued interest to the plaintiffs herein within a period of three weeks from today. The Official Liquidator is also directed to pay over the amount lying balance with him to the plaintiffs after deducting his costs, charges and expenses therefrom.

3. In view of the aforesaid order, Suit No. 4

of 1990 is disposed of accordingly. However, there shall be no order as to costs.

4. Parties to act on certified copy of this order.